SEC. 11.81. "S" SHORELAND MANAGEMENT OVERLAY DISTRICT.

Subd. 1. Statutory Authorization and Policy.

A. Statutory Authorization. This Shoreland District is adopted pursuant to the authorization and policies contained in the Shoreland Management Standards, Minnesota Regulations, Parts 6120.2500-6120.3900, the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.

B. Policy. The uncontrolled use of shorelands of the City affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the State to regulate the subdivision, use and development of shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the City.

Subd. 2. General Provisions and Definitions.

A. Jurisdiction. The provisions of this District shall apply to the shorelands of the public water bodies as classified in Subd. 4. Pursuant to Minnesota Regulations, Parts 6120.2500-6120.3900, no lake, pond or flowage less than 10 acres in size need be regulated in the City's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the Council, be exempt from this Section. Shoreland areas are defined as land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

B. Compliance. The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this Section and other applicable regulations.

C. Enforcement. The City is responsible for the administration and enforcement of this Section. It is unlawful to violate any of the provisions of this Section or to fail to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses). Violations of this Section can occur regardless of whether or not a permit is required for a regulated activity pursuant to Subd. 3, below.

D. Interpretation. In their interpretation and application, the provisions of this Section shall be held to be minimum requirements and shall be liberally construed in favor of the Council and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

E. Abrogation and Greater Restrictions. It is not intended by this Section to repeal, abrogate, or

impair any existing easements, covenants, or deed restrictions. However, where this Section imposes greater restrictions, the provisions of this Section shall prevail. All other City Code provisions inconsistent with this Section are hereby repealed to the extent of the inconsistency only.

F. Definitions. Unless specifically defined in Section 11.02, words or phrases used in this Section shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Section its most reasonable application. For the purpose of this Section, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

Subd. 3. Administration.

A. Permits Required.

1. A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Subd. 5, C, of this Section. Application for a permit shall be made to the Zoning Administrator on the forms provided. The application shall include the necessary information so that the site's suitability for the intended use can be determined and that a compliant sewage treatment system will be provided.

2. A permit authorizing an addition to an existing structure shall stipulate that an identified non-conforming sewage treatment system, as defined by Subd. 5, H, shall be reconstructed or replaced in accordance with the provisions of this Section.

B. Certificate of Zoning Compliance. The Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Subparagraph A, above. This certificate will specify that the use of land conforms to the requirements of this Section. Any use, arrangement or construction at variance with that authorized by permit shall be deemed a violation of this Section and shall be punishable as provided in Subd. 2, C.

C. Variances.

1. Variances may only be granted in accordance with Minnesota Statutes, Chapter 462, as applicable. A variance may not circumvent the general purposes and intent of this Section. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the Council must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

2. The Council shall hear and decide requests for variances in accordance with Section 11.08.

When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Subparagraph D, below, shall also include the Council's summary of the public record/ testimony and the findings of facts and conclusions which supported the issuance of the variance.

3. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a non-conforming sewage treatment system.

D. Notifications to the Department of Natural Resources.

1. Copies of all notices of any public hearings to consider variances, amendments or conditional uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

2. A copy of approved amendments and subdivisions/ plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked within ten days of final action.

Subd. 4. Shoreland Classification System and Land Use Districts.

A. Shoreland Classification System. The public waters of the City have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Wright County, Minnesota.

1. The shoreland area for the waterbodies listed in Items 2 and 3, below, shall be as defined in Subd. 2, A, and as shown on the Official Zoning Map.

Source: Ordinance No. 32, Series III, Effective Date: 2-7-92

2. Lakes.

(a) Natural environment lakes are generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use.

Natural Environment Lakes	Protected Waters Inventory I.D.#
Mary Lake	86-49

(b) Recreational development lakes are generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and ground water situations on the lands around them. They often are characterized by moderate levels of recreational use and

existing development. Development consists mainly of seasonal and year-round residences and recreational-oriented commercial uses. Many of these lakes have capacities for accommodating additional development and use.

Recreational Development Lakes	Protected Waters Inventory I.D.#
Varner Lake	86-91
Mink Lake	86-88

(c) General development lakes are generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development. These lakes often are extensively used for recreation and, except for the very large lakes, are heavily developed around the shore. Second and third tiers of development are fairly common. The larger examples in this class can accommodate additional development and use.

General Development Lakes	Protected Waters Inventory I.D.#
Pulaski Lake	86-53
Buffalo Lake	86-90

Source: Ordinance No. 5, Series IV, Effective Date: 5-7-93

3. Rivers and Streams.

(a) Tributary river segments consist of watercourses mapped in the Protected Waters Inventory that have not been assigned one of the river classes. These segments have a wide variety of existing land and recreational use characteristics. The segments have considerable potential for additional development and recreational use, particularly those located near roads and cities.

Tributary River or Stream
Unnamed tributary to Buffalo Lake
Unnamed tributary to Mary Lake

B. Land Use District Descriptions.

1. Criteria for Designation. The land use districts in Item (b), below, and the delineation of a land use district's boundaries on the Official Zoning Map, must be consistent with the goals, policies, and objectives of the City's Comprehensive Land Use Plan and the following criteria, considerations and objectives:

(a) General Considerations and Criteria for all Land Uses Within the Shoreland Overlay District.

(1) Preservation of natural areas;

(2) Present ownership and development of shoreland areas.

(3) Shoreland soil types and their engineering capabilities;

(4) Topographic characteristics;

(5) Vegetative cover;

(6) In-water physical characteristics, values, and constraints;

(7) Recreational use of the surface water;

(8) Road and service center accessibility;

(9) Socioeconomic development needs and plans as they involve water and related land resources;

(10) The land requirements of industry which, by its nature, requires location in shoreland areas; and,

(11) The necessity to preserve and restore certain areas having significant historical or ecological value.

(b) Factors and Criteria for Planned Unit Developments.

(1) Existing recreational use of the surface waters and likely increases in use associated with planned unit developments;

(2) Physical and aesthetic impacts of increased density;

(3) Suitability of lands for the planned unit development approach;

(4) Level of current development in the area; and,

(5) Amounts and types of ownership of undeveloped lands.

2. Land Use Districts. The land use designations for the Shoreland Overlay District shall follow the permitted, accessory, and conditional use designations as defined and outlined in the base zoning districts found in Sections 11.40 - 11.80, and shall be properly delineated on the Official Zoning Map for the shorelands of the City. These land use districts are in conformance with the criteria specified in Minnesota Regulations, Part 6120.3200, Subd. 3.

Subd. 5. Zoning and Water Supply/Sanitary Provisions.

A. Lot Area and Width Standards. The lot area (in square feet) and lot width standards (in feet) for single, duplex, triplex and quad residential lots created after the effective date of this Section for the lake and river/stream classifications are the following:

1. Unsewered Lakes.

(a) Natural Environment.

	Riparian Lots		Non-Riparian Lots	
	Area	Width	Area	Width
Single	80000	200	80000	200
Duplex	120000	300	160000	400
Triplex	160000	400	240000	600
Quad	200000	500	320000	800

(b) Recreational/Development.

	Riparian Lots		Non-Riparian Lots	
	Area	Width	Area	Width
Single	40000	150	40000	150
Duplex	80000	225	80000	265
Triplex	120000	300	120000	375
Quad	160000	375	160000	490

(c) General Development.

	Riparian Lots		Non-Riparian Lots	
	Area	Width	Area	Width
Single	40000	150	40000	150
Duplex	40000	180	80000	265
Triplex	60000	260	120000	375
Quad	80000	340	160000	490

2. Sewered Lakes.

(a) Natural Environment.

	Riparian Lots		Non-Riparian Lots	
	Area	Width	Area	Width
Single	40000	125	20000	125
Duplex	70000	225	35000	220
Triplex	100000	325	52000	315
Quad	130000	425	65000	410

(b) Recreational Development.

	Riparian Lots		Non-Riparian Lots	
	Area	Width	Area	Width
Single	20000	75	15000	75
Duplex	35000	135	26000	135
Triplex	50000	195	38000	190
Quad	65000	255	49000	245

(c) General Development.

	Riparian Lots		Non-Riparian Lots	
	Area	Width	Area	Width
Single	15000	85	10000	85
Duplex	26000	135	17500	135
Triplex	38000	195	25000	190
Quad	49000	255	32500	245

3. River/Stream Lot Width Standards. There is no minimum lot size requirements for rivers and streams. The lot width standards for single, duplex, triplex and quad residential developments for the six river/ stream classifications are:

	Tributary	
	No Sewer	Sewer
Single	100	75
Duplex	150	115
Triplex	200	150
Quad	250	190

4. Additional Special Provisions.

(a) Residential subdivisions with dwelling unit densities exceeding those in the tables in Items 2 and 3 of this Subparagraph A, can only be allowed if designed and approved as residential planned unit developments under Subd. 8 of this Section. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in Item 2 of this Subparagraph A can only be used if publicly owned sewer system service is available to the property.

(b) Subdivisions of duplexes, triplexes, and quads on Natural Environment Lakes must also meet the following standards:

(1) Each building must be set back at least 200 feet from the ordinary high water level;

(2) Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;

(3) Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and,

(4) No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.

(c) Lots intended as controlled accesses to public waters or as recreation areas for use by owners of non-riparian lots within subdivisions are permissible and must meet or exceed the following standards:

(1) They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.

(2) If docking, mooring, or over-water storage of more than six (6) watercraft to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements

Ratio of Lake Size to Shore Length (Access/Miles)	Required Increase to Frontage (Percent)
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

(3) They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot; and,

(4) Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non- significant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also address the need for sanitary facilities, rubbish and storage collection, and require all parking areas, storage buildings, and other facilities and adjacent lots to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

B. Placement, Design, and Height of Structures.

1. Placement of Structures on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:

(a) Structure and On-Site Sewage System Setbacks (in feet) from Ordinary High Water Level.

	Setbacks		
	Structures		Sewage Treatment
Classes of Public Waters	Unsewered	Sewered	System
Natural Environment Lake	150	150	150

Recreational Development Lake	100	75	75
General Development Lake	75	50	50
Tributary	100	50	75

(b) Additional Structure Setbacks. The following additional structure setbacks apply, regardless of the classification of the waterbody.

Setback From	Setback (in feet)
(1) Top of bluff	30
(2) Unplatted cemetery	50
(3) Right-of-way line of Federal, State, orCounty highway; and	50
(4) Right-of-way line of town road, public street, or other roads or streets not classified	20

(c) Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

2. Design Criteria for Structures.

(a) High Water Elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or floodproofed must be at a level at least three (3) feet above the highest known water level, or three (3) feet above the ordinary high water level, whichever is higher.

(b) Stairways, Lifts and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:

(1) Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways must be used for commercial properties, public open space recreational properties, and planned unit developments;

(2) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open space recreational properties, and planned unit developments;

(3) Canopies or roofs are not allowed on stairways, lifts, or landings;

(4) Stairways, lifts and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.

(5) Stairways, lifts and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and,

(6) Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of Items (1) to (5), above, are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.

(c) Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

(d) Steep Slopes. The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

3. Height of Structures. All structures in residential districts, except churches and non-residential agricultural structures, must not exceed 25 feet in height. Height of structure is as defined in Section 11.02.

C. Shoreland Alterations. Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic value, prevent bank slumping, and protect fish and wildlife habitat.

1. Vegetation Alterations.

(a) Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Subparagraph D of this Subdivision are exempt from the vegetation alteration standards that follow.

(b) Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Subparagraph F, Items 2 and 3 of this Subdivision is allowed subject to the following standards:

(1) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.

(2) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the

placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:

(aa) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer leaf-on conditions, is not substantially reduced;

(bb) Along rivers, existing shading of water surfaces is preserved; and,

(cc) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

2. Topographic Alterations/Grading and Filling.

(a) Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling provisions of this Subparagraph must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.

(b) Public roads and parking areas as regulated by Subparagraph D, herein.

(c) Notwithstanding Items (a) and (b), above, a grading and filling permit will be required for:

(1) The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and,

(2) The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.

(d) The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:

(1) Grading or filling in any Type 2, 3, 4, 5, 6, 7 or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland: *****

(aa) Sediment and pollution trapping and retention;

(bb) Storage of surface runoff to prevent or reduce flood damage;

(cc) Fish and wildlife habitat;

(dd) Recreational use;

(ee) Shoreline or bank stabilization; and,

(ff) Noteworthiness, including special qualities such as historic significance, critical habitat or endangered plants and animals, or others.

***** The applicant is responsible for determining whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, State, or Federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers.

Documentation of such is required prior to issuance of permits.

(2) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;

(3) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and permanent vegetation cover must be established as soon as possible;

(4) Methods to minimize soil erosion and trap sediments before they reach any surface water feature must be used;

(5) Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;

(6) Fill or excavated material must not be placed in a manner that creates an unstable slope;

(7) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;

(8) Fill or excavated material must not be placed in bluff impact zones;

(9) Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner under Minnesota Statutes, Section 105.42.

(10) Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and,

(11) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.

(e) Connections to Public Waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the Commissioner has approved the proposed connection to the public waters.

D. Placement and Design of Roads, Driveways, and Parking Areas.

1. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

2. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no such alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

3. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this Subparagraph are met. For private facilities, the grading and filling provisions of Subparagraph C, Item 2 of this Subdivision must be met.

E. Storm Water Management. The following general and specific standards shall apply:

1. General Standards.

(a) When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain storm water runoff before discharge to public waters.

(b) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

(c) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

2. Specific Standards.

(a) Impervious surface coverage of lots must not exceed 25 percent of the lot area.

(b) When constructed facilities are used for storm water management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.

(c) New constructed storm water outfalls to public waters must provide for filtering or

settling of suspended solids and skimming of surface debris before discharge.

F. Special Provisions for Commercial, Industrial, Public/ Semipublic, Agricultural, and Forestry.

1. Standards for Commercial, Industrial, Public and Semipublic Uses.

(a) Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:

(1) In addition to meeting impervious coverage limits, setbacks and other zoning standards in this Section, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;

(2) Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and,

(3) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:

(aa) No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the County Sheriff;

(bb) Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and,

(cc) Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

(b) Uses without water-oriented needs must be located on lots or parcels without

public waters frontage, or, if located on lots parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

2. Agriculture Use Standards.

(a) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

(b) Animal feedlots must meet the following standards:

(1) New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public waters basins; and,

(2) Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.

3. Forest Management Standards. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota".

G. Conditional Uses. Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses as found in Section 11.07 and any other applicable provisions of this Chapter. The following additional evaluation criteria and conditions apply within shoreland areas:

1. Evaluation Criteria. A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:

(a) The prevention of soil erosion or other possible pollution of public waters, both during and after construction;

(b) The visibility of structures and other facilities as viewed from public waters is limited;

(c) The site is adequate for water supply and on-site sewage treatment; and,

(d) The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

2. Conditions Attached to Conditional Use Permits. The City, upon consideration of the criteria listed above and the purposes of this Section, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Section. Such conditions may include, but are not limited to, the following:

(a) Increased setbacks from the ordinary high water level;

(b) Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and,

(c) Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

H. Water Supply and Sewage Treatment.

1. Water Supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

2. Sewage Treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:

(a) Publicly-owned sewer systems must be used where available.

(b) All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled, "Individual Sewage Treatment Systems Standards, Chapter 7080", a copy of which is hereby adopted by reference and made a part of this Section.

(c) On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Subparagraph B, Item 1, of this Subdivision.

(d) All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in Items 1 through 4, below. If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

Evaluation Criteria:

(1) Depth to the highest known or calculated ground water table or bedrock;

(2) Soil conditions, properties, and permeability;

(3) Slope;

(4) The existence of lowlands, local surface depressions, and rock outcrops.

(e) Non-conforming sewage treatment systems shall be regulated and upgraded in accordance with Subd. 6, Subparagraph C.

Subd. 6. Non-Conformities.

All legally established non-conformities as of the effective date of this Section may continue, but they will be managed according to applicable State statutes and other City Code provisions for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas:

A. Construction and Non-Conforming Lots of Record.

1. Subject to the requirements of Section 11.16, lots of record in the office of the County Recorder on the date of enactment of local shoreland controls that do not meet the requirements of Subd. 5, Subparagraph A, may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this Section are met.

2. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

3. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Subd. 5, Subparagraph A, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Subd. 5, A, as much as possible.

B. Additions/Expansions to Non-Conforming Structures.

1. All additions or expansions to the outside dimensions of an existing non-conforming structure must meet the setback, height, and other requirements of Subd. 5. Any deviation from these requirements must be authorized by a variance pursuant to Subd. 3, C.

2. Deck additions may be allowed without a variance to a structure not meeting the required

setback from the ordinary high water level if all of the following criteria and standards are met:

(a) The structure existed on the date the structure setbacks were established;

(b) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;

(c) The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and,

(d) The deck is constructed primarily of wood, and is not roofed or screened.

C. Non-Conforming Sewage Treatment Systems.

1. A sewage treatment system not meeting the requirements of Subd. 5, H, must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered non- conforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.

2. The Council has, by formal resolution, notified the Commissioner of its program to identify non-conforming sewage treatment systems. The City will require upgrading or replacement of any non-conforming system identified by this program within a reasonable period of time which will not exceed two years. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, Section 105.485, in effect at the time of installation, may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered non-conforming.

Subd. 7. Subdivision/Platting Provisions.

A. Land Suitability. Each lot created through subdivision, including planned unit developments authorized under Subd. 8, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the City shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near shore aquatic conditions unsuitable for water based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the City.

B. Consistency With Other Controls. Subdivisions must conform to all official controls of the City. A subdivision will not be approved where a later variance from one or more standards in official

controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water systems is available and a sewage treatment system consistent with Subd. 5, Subparagraphs B and H, can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Subd. 5, A, including at least a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

C. Information Requirements. Sufficient information must be submitted by the applicant for the City to make a determination of land suitability. The information shall include at least the following:

1. Topographic contours at ten foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;

2. The surface water features required in Minnesota Statutes, Section 505.02, Subd. 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;

3. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;

4. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling storm water runoff and erosion, both during and after construction activities;

5. Location of 100-year floodplain areas and floodway districts from existing adopted maps or data; and,

6. A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

D. Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of storm water and significant wetlands.

E. Platting. All subdivisions that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after the effective date of this Section unless the lot was approved as part of a formal subdivision.

F. Controlled Access or Recreational Lots. Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in Subd. 5, A, 4 of this Section.

Subd. 8. Planned Unit Development (PUDs).

A. Types of PUDs Permissible. Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in Subd. 4, B, and the Official Zoning Map.

B. Processing of PUDs. Planned unit developments must be processed as a conditional use.

C. Application for a PUD. The applicant for a PUD must submit the following documents prior to final action being taken on the application request:

1. A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten foot intervals or less. When a PUD is a combined commercial and recreational development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.

2. A property owners association agreement (for residential PUDs) with mandatory membership, and all in accordance with the requirements of Subparagraph F of this Subdivision.

3. Deed restrictions, covenants, permanent easements or other instruments that: (a) properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs and (b) ensure the long term preservation and maintenance of open space in accordance with the criteria and analysis specified in Subparagraph F of this Subdivision.

4. When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.

5. Those additional documents as requested by the Zoning Administrator that are necessary to explain how the PUD will be designed and will function.

D. Site "Suitable Area" Evaluations. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/ dwelling site density evaluation in Subd. 7, E.

1. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

Shoreland Tier Dimensions

	Unsewered (feet)	Sewered (feet)
General Development Lakes-First	200	200

Tier		
General Development Lakes-Second and Additional Tiers	267	200
Recreational Development Lakes	267	267
Natural Environment Lakes	400	320
All River Classes	300	300

2. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subject to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

E. Residential and Commercial PUD Density Evaluation. The procedures for determining the "base" density of a PUD and a density increase multipliers as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.

1. Residential PUD "Base" Density Evaluation.

(a) The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth, unless the City has specified an alternative minimum lot size for rivers which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analysis herein and the design criteria in Subparagraph F, below.

2. Commercial PUD "Base" Density Evaluation.

(a) Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stops, steps, garages, or porches and basements, unless they are habitable space.

(b) Select the appropriate floor area ratio from the following table:

Commercial Planned Unit Development
Floor Area Ratios*
Public Waters Classes

*Average unit floor area (sq. ft.)	Sewered General development lakes; first tier on unsewered general development lakes; urban, agricultural, tributary river segments	Second and add'l tiers on unsewered general development lakes; recreational lake; transition and forested river segments	Natural Environment lakes and remote river segments
200	.040	.020	.010
300	.048	.024	.012

400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1000	.108	.054	.027
1100	.116	.058	.029
1200	.125	.064	.032
1300	.133	.068	.034
1400	.142	.072	.036
1500	.150	.075	.038

***** For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

(c) Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.

(d) Divide the total floor area by tier computed in Item (c), above, by the average inside living area size determined in Item (a), above. This yields a base number of dwelling units and sites for each tier.

(e) Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analysis herein and the design criteria in Subd. 7, F.

3. Density Increase Multipliers.

(a) Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Subd. 5 are met or exceeded and the design criteria in Subd. 7, F, are satisfied. The allowable density increases in Item (b), below, will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the City and the setback is at least 25 percent greater than the minimum setback.

(b) Allowable dwelling unit or dwelling site density increases for residential or commercial planned unit developments:

Density Evaluation Tiers	Maximum Density Increase Within Each Tier (Percent)
First	50
Second	100

Third	200
Fourth	200
Fifth	200

F. Maintenance and Design Criteria.

1. Maintenance and Administration Requirements.

(a) Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.

(b) Open Space Preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:

(1) Commercial uses prohibited (for residential PUDs);

(2) Vegetation and topographic alterations other than routine maintenance prohibited;

(3) Construction of additional buildings or storage of vehicles and other materials prohibited; and,

(4) Uncontrolled beaching of watercraft prohibited.

(c) Development Organization and Functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:

(1) Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;

(2) Each member must pay a pro-rata share of the association's expenses, and unpaid assessments can become liens on units or sites;

(3) Assessments must be adjustable to accommodate changing conditions; and,

(4) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

2. Open Space Requirements. Planned unit developments must contain open space meeting all of the following criteria:

(a) At least 50 percent of the total project area must be preserved as open space;

(b) Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;

(c) Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;

(d) Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;

(e) Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;

(f) Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;

(g) The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and,

(h) The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUDs, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural existing state. For commercial PUDs, at least 50 percent of the shore impact zone must be preserved in its natural state.

3. Erosion Control and Storm Water Management. Erosion control and storm water management plans must be developed and the PUD must:

(a) Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and,

(b) Be designed and constructed to effectively manage reasonably expected quantities and qualities of storm water runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial PUDs, 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved storm water management plan and consistency with Subd. 5,

C.

4. Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards:

(a) Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Subd. 5, Subparagraphs B and H of this Section. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;

(b) Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with Subparagraph E, Item 3 of this Subdivision for developments with density increases;

(c) Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;

(d) Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the City, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;

(e) Accessory structures and facilities, except water-oriented accessory structures, must meet the required principal structure setback and must be centralized; and,

(f) Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Subd. 5, B, are centralized.

G. Conversions. The City may allow existing resorts or other land uses and facilities to be converted to residential and planned unit developments if all of the following standards are met:

1. Proposed conversions must be initially evaluated using the same procedures for residential

planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.

2. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permits.

3. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

(a) Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
(b) Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and,

(c) If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.

4. Existing dwelling units or dwelling site densities that exceed standards in Subparagraph E of this Subdivision may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

Source: Ordinance No. 32, Series III, Effective Date: 2-7-92